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January 24, 2025

VIA ECF

Honorable Arun Subramanian
United States District Judge
Southern District of New York
500 Pearl Street, Room 15A
New York, New York 10007

Re: Igartua v. The Flowery LLC
1:24-cv-07085

Dear Judge Subramanian:

We represent Plaintiff Juan Igartua in the above-referenced matter. We write to respectfully respond to the Court's Order dated January 22, 2025, regarding our failure to comply with the Court's orders and our absence from the conference on the date of dismissal.

At the outset, we sincerely apologize to the Court for our failure to appear at the conference and our delayed response to the Court's orders. This failure was not intentional, but rather the result of an unfortunate internal miscommunication within our office.

Recently, the firm has undergone restructuring and the undersigned has been assigned as the new Chief of the ADA Division to ensure that there are no future oversights such as the one in this case. I started working in the position as of December 18, 2024 with the goal of clearing a backlog of cases from the SDNY docket, including this one. We have now fully resolved the staffing issues and have re-established a stable and effective workflow. However, while I was in the process of taking over the ADA Division and getting fully up to speed, there was an unfortunate miscommunication in this matter.

By way of explanation, our office had internally decided to file both a voluntary dismissal notice and an explanatory letter to the Court on January 15, 2025 as it had come to our attention that the corporate entity named was not in fact the owner of the website alleged in the

complaint. Based on this internal decision, I erroneously and presumptively assumed that the scheduled conference would not proceed given the planned dismissal. However, due to a significant miscommunication between the attorneys and support staff, the dismissal notice was not filed until January 17, 2025, and the explanatory letter was never filed at all.

This oversight resulted in wasting the Court's valuable time and resources, for which we are deeply apologetic. We recognize the seriousness of our failure to properly communicate with the Court and acknowledge that this falls well below the professional standards expected of counsel appearing before this Court.

We have since implemented additional safeguards in our office to ensure that all court filings are properly executed and that there is clear communication regarding court appearances, even in cases where dismissal is contemplated. With our new leadership structure in place, we are confident that such oversights will not occur in the future.

We respectfully submit that these circumstances, while serious, were the result of an inadvertent miscommunication rather than any intentional disregard for the Court's orders. We assure the Court that we take our obligations as officers of the Court with the utmost seriousness. We respectfully request that given the inadvertence of counsel's failure to properly respond to the Court, that the Court decline to issue sanctions at this time.

We thank the Court for its consideration of this matter.

Sincerely,



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